

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
Of A Feather, LLC,	:	
	:	
Plaintiff,	:	19cv9351 (DLC)
-v-	:	
	:	
Allegro Credit Services, LLC,	:	
	:	
Defendant.	:	
-----X	:	
Allegro Credit Services, LLC,	:	
	:	
Plaintiff,	:	20cv2622 (DLC)
-v-	:	
	:	
Of A Feather, LLC, Jared Stamell, and	:	
Susan Stamell,	:	<u>ORDER</u>
	:	
Defendants.	:	
-----X	:	

DENISE COTE, District Judge:

On October 9, 2019, Allegro Credit Services, LLC ("Allegro") removed an action to this Court. In that Original Action, case number 19cv9351, Of A Feather, LLC ("Feather") asserts claims for deceptive business practices under New York General Business Law ("GBL") § 349, negligent misrepresentation, fraud in the inducement, and breach of contract.


On March 27, 2020, Allegro filed a Related Action, case number 20cv2622, against Feather and two of its guarantors. On May 10, Feather answered and asserted three counterclaims that

are substantially similar to those it brought in the Original Action, i.e. claims for deceptive business practices under GBL § 349, misrepresentation of a material fact, and breach of contract.

Allegro's motion to dismiss in the Original Action was fully briefed as of April 17, 2020. On June 15, Allegro filed a motion to dismiss Feather's counterclaims in the Related Action, raising many of the same arguments it makes in support of the motion in the Original Action. The Court therefore will address Allegro's motion to dismiss in the Original Action together with its motion to dismiss the counterclaims in the Related Action. In addressing Allegro's motion to dismiss the Related Action counterclaims, the Court will consider the arguments that Feather has already made in the defense of its claims in the Original Action. Accordingly, it is hereby

ORDERED that by **June 23** Feather shall file any further briefing it wishes to offer in opposition to the motion to dismiss the Related Action counterclaims. Allegro shall file any reply by **June 26**.

Dated: New York, New York
June 16, 2020



DENISE COTE
United States District Judge